

Notice of Allowability

Application No.

10/669,810

Examiner

Natalia Levkovich

Applicant(s)

TOI ET AL.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication on 09/12/2006.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT AND REASONS FOR ALLOWANCE

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Permission for this examiner's amendment was given by Mr. Charles Gross in the electronic communication dated 09/12/2006, where the applicant's representative authorized the examiner's amendment and stated that the proposed amendments were 'not intended to change the scope of the claim'. The application has been amended as follows:

IN THE CLAIMS:

Cancel Claims 12-14.

Claim 1, line 29, after 'the X-axis of the microplate', **delete**— . —

Claim 1, line 29, after 'the X-axis of the microplate', **insert**— ; —

Claim 1, line 30 (new), **insert**— a rotating mechanism that rotates the dispensing mechanism about a rotation axis located substantially at the center of the plurality of cylinders; and

a controller configured to control the dispensing mechanism, the rotating mechanism and the moving mechanism in the X-axis, Y-axis and Z-axis, and to rotate the rotating mechanism about the rotation axis to align the dispensing mechanism to

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permit the nozzles to be attached with dispensing tips oriented in the Y-axis direction or the X-axis direction, and to rotate the rotating mechanism about the rotation axis to align the dispensing mechanism in the Y-axis or X-axis direction to supply the first reagent or second reagent, respectively, to the attached dispensing tips. —

Claim 6, line 2, before 'rotating mechanism, **delete**—further comprising a —

Claim 6, line 2, before 'rotating mechanism', **insert** —wherein the —

Claim 6, line 2, after 'rotating mechanism', **delete**—that —

Claim 6, line 3, after 'a predetermined angle about', **insert** —the —

Claim 6, line 3, before 'rotation axis', **delete** —a vertically directed —

2. The following is an examiner's statement of reasons for allowance:

Claims 1-11 are allowable over the prior art, since the prior art fails to teach or fairly suggest a liquid handling system which includes a rotating mechanism that rotates a dispensing mechanism about a vertical rotation axis located at the center of the plurality of the dispensing cylinders and a controller configured to control the dispensing and rotating mechanisms such, as to permit the nozzles to be attached with dispensing tips oriented in the Y-axis direction or the X-axis direction and to dispense the first reagent through the tips oriented in the Y-axis direction, and the second reagent - through the tips oriented in the X-axis direction, respectively.


3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance." Any inquiry concerning this communication or

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earlier communications from the examiner should be directed to Natalia Levkovich whose telephone number is 571-272-2462. The examiner can normally be reached on Mon-Fri, 8 a.m.-4p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jill Warden
Supervisory Patent Examiner
Technology Center 1700